

REMARKS

Applicants appreciate the Examiners understanding and willingness to advance prosecution by responding to Applicants prior amendment despite the claim numbering inconsistencies. In response to the Examiners indication of the need to properly renumber the claims, Applicants have canceled pending claims, 5-9 and reproduced them in the proper numerical order as new claims 12-16. Claims 1-4 have been previously canceled and claim 11 is currently canceled, therefore, claims 10, 12-16 are presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 102:

Previous claims 5, 6 (now claims 12 and 13) and 10 stand rejected under 35 U.S.C § 102(b), the Examiner contending that these claims are anticipated by Bosch (DE 100 16 900). The Examiner has stated that he has considered the Bosch abstract in light of the comments and rejections of the PCT examiner based upon the PCT priority claims which are similar to the claims now pending and were determined by the PCT examiner to be anticipated by Bosch.

Applicant's respectfully submit that the Bosch abstract recites regulating a pressure in a fuel supply accumulator via a valve controlled by the stored fuel pressure and an electric signal that is calculated based on data such as high pressure flow and fuel density where the stored relationships between valve flow, electric signal and stored pressure speed up the calculation.

However, Applicant's claims 5 (new 12) and 10 recite the elements of:

determining a desired fuel pressure value;
determining an actual fuel pressure value; and
determining an actuating signal as a function of the desired fuel pressure and a variable if the variable falls below specified threshold value, where the variable is selected from the group consisting of: a variation in a fuel flow rate and a variation in the fuel pressure [emphasis added]

MPEP 2131 requires that the Examiner identify each and every element of the claimed invention. The Examiner has stated that the Bosch abstract is "responsive to 'stored relationships between valve flow' ..." which is "...at least 'a dynamics of a flow fuel through the regulator valve'...." Applicants respectfully contend that the Examiner has failed to identify

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each and every element of Applicants claimed invention as described above. In view of the above, previous claims 5 (now 12) and 10 are not anticipated by Bosch. Furthermore, claim 6 (now claim 13) which depends on claim 5 (now 12) is also patentable at least based on its dependence from claim 5 (now 12) as well as based on its own merit. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejections and allow new claims 10, 12 and 13.

Response to Rejections Under Section 103:

The Examiner has rejected claims 7-9 (now claims 14-16) as being unpatentable over Bosch (DE('900)) in view of Frank ('149). Applicants respectfully submit that claims 7-9 (now claims 14-16) is also patentable at least based on its dependence from claim 5 (now claim 12) as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 103 rejections and allow new claims 14-16.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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